

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

LARRY JACKSON,)
Petitioner,) CIVIL ACTION NO.: CV212-154
v.)
UNITED STATES OF AMERICA,) (Case No.: CR208-39)
Respondent.)

O R D E R

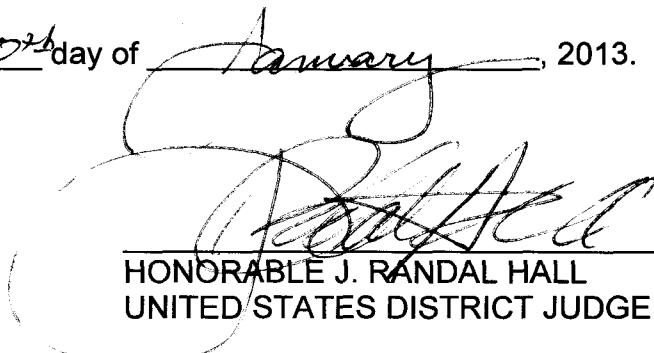
After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections, as supplemented, have been filed. In his Objections, Larry Jackson ("Jackson") once again contends that he has provided the Government with information which led to the indictment of other individuals. Jackson states that, through no fault of his own, these indicted individuals have not been tried. Jackson requests that the Court order the Government to file a motion for sentence reduction on his behalf.

As the Magistrate Judge advised Jackson, the Government is under no obligation to file a motion for downward departure when a person provides assistance—substantial or otherwise—to aid in the prosecution of cases. (Doc. No. 10, p. 9). The Government has discretion to file a substantial assistance motion, and a court can review a decision not to file such a motion only when a defendant shows that the

Government's failure to file this motion is based on an unconstitutional motive. Jackson has not met this showing, even considering the affidavits he has submitted in support of his position.

Jackson's Objections are overruled. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Jackson's Motion to Vacate, Set Aside, or Correct his Sentence, filed pursuant to 28 U.S.C. § 2255, is **DISMISSED**. Jackson's Motion to be Released to Home Confinement is **DENIED**. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 10th day of January, 2013.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE